



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/071,393

02/06/2002

Miroslav Trajkovic

US020026

8816

24737

7590

08/15/2007

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

VU, NGOC K

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

08/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/071,393

Applicant(s)

TRAJKOVIC ET AL.

Examiner

Ngoc K. Vu

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Response to Arguments

1. Applicant's arguments filed 8/7/2006 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 and 8-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Imagawa et al. (EP 0919906 A2).

Regarding claim 1, Imagawa teaches method for controlling a media player, comprising: determining at least one rule defining a predefined non-user event (a person as an operator) in an environment surrounding said media player (col. 9, lines 24-30; col. 13, lines 27-29; col. 4, lines 54-57; col. 5, lines 9-14), said rule including at least one condition and an action item to be performed to automatically adjust said media player when said at least one condition is satisfied (see col. 6, lines 24-40; col. 6, line 51 to col. 7, line 4; col. 14, lines 36-41; col. 13, lines 44-50; col. 15, lines 43-51); analyzing input information (person attribute, e.g., face, expression, voice...etc) characterizing a non-user event in the environment surrounding said media player to identify a current condition (for instance, the person says words "switch the channel"; the person picks up the telephone receiver...etc); and performing said action item if said current condition corresponds to said at least one condition of said at least one rule (for instance, the system switches the channel in response to the person uttered words "switch the channel"; the systems reduces volume of television when the person picks up the telephone receiver...etc. – See col. 6, lines 24-40; col. 6, line 51 to col. 7, line 4; col. 14, lines 36-41; col. 13, lines 44-50;

Art Unit: 2623

col. 15, lines 43-51).

Regarding claim 2, Imagawa teaches that said input information is generated by an information capture device (see col. 3, lines 3-10).

Regarding claim 3, Imagawa teaches that said information capture device comprises visual capture device (e.g., camera - see col. 3, lines 3-10).

Regarding claim 4, Imagawa teaches that said non-user event comprises a non-user appearing environment surrounding said media player (col. 9, lines 26-30; col. 2, lines 50-53; col. 14, lines 24-28; col. 13, lines 27-29).

Regarding claim 5, Imagawa teaches that said current condition comprises detection of motion by a non-user in the environment surrounding said media player (col. 3, lines 3-10; col. 9, lines 26-30; col. 13, lines 27-29; col. 14, lines 25-28).

Regarding claims 8-9, Imagawa teaches that said at least one condition comprises a visual image, associated with a non-user, that does/does not match a stored profile image (it is noted that the name of the selected person as the operator can be identified, it may be displayed on a display screen or output as a voice. It is inherently that the system compares the person attribute, e.g., face, with the stored person attribute, e.g., the stored profile image to identify the name of that person. This encompasses that the face of the person matches or does not match the stored profile image. See col. 5, lines 25-29; col. 4, line 54 to col. 5, line 14).

Regarding claim 10, Imagawa teaches that said media player comprises a computer (see col. 14, lines 24-28; col. 5, lines 54-57).

Regarding claim 11, Imagawa teaches that said action item comprises changing of an image being displayed by said computer (see col. 7, lines 1-4).

Regarding claim 12, Imagawa teaches that said media player comprises a television set (col. 14, lines 25-28; col. 5, lines 54-56).

Art Unit: 2623

Regarding claim 13, Imagawa teaches that wherein said action item comprises changing a program channel of said television set (col. 6, line 55 to col. 7, line 1; col. 15, lines 40-51).

Regarding claim 14, Imagawa teaches apparatus for controlling a media player, comprising: a memory (within 3-5) for storing computer readable code; and a processor (within 3-5) operatively coupled to said memory, said processor configured to: determine at least one rule defining a predefined non-user event (a person as an operator) in an environment surrounding said media player (col. 9, lines 24-30; col. 13, lines 27-29; col. 4, lines 54-57; col. 5, lines 9-14), said rule including at least one condition and an action item to be performed to automatically adjust said media player when said at least one condition is satisfied (see col. 6, lines 24-40; col. 6, line 51 to col. 7, line 4; col. 14, lines 36-41; col. 13, lines 44-50; col. 15, lines 43-51); analyze input information (person attribute, e.g., face, expression, voice...etc) characterizing a non-user event in the environment surrounding said media player to identify a current condition (for instance, the person says words "switch the channel"; the person picks up the telephone receiver...etc); and perform said action item if said current condition corresponds to said at least one condition of said at least one rule (for instance, the system switches the channel in response to the person uttered words "switch the channel"; the systems reduces volume of television when the person picks up the telephone receiver...etc. – See col. 6, lines 24-40; col. 6, line 51 to col. 7, line 4; col. 14, lines 36-41; col. 13, lines 44-50; col. 15, lines 43-51).

Regarding claim 15, Imagawa teaches a computer readable medium having computer readable code means embodied thereon for causing a media player (col. 20, lines 45-50), when running said code means, to: determine at least one rule defining a predefined non-user event (a person as an operator) in an environment surrounding said media player (col. 9, lines 24-30; col. 13, lines 27-29; col. 4, lines 54-57; col. 5, lines 9-14), said rule including at least one

Art Unit: 2623

condition and an action item to be performed to automatically adjust said media player when said at least one condition is satisfied (see col. 6, lines 24-40; col. 6, line 51 to col. 7, line 4; col. 14, lines 36-41; col. 13, lines 44-50; col. 15, lines 43-51); analyze input information (person attribute, e.g., face, expression, voice...etc) characterizing a non-user event in the environment surrounding said media player to identify a current condition (for instance, the person says words "switch the channel"; the person picks up the telephone receiver...etc); and perform said action item if said current condition corresponds to said at least one condition of said at least one rule (for instance, the system switches the channel in response to the person uttered words "switch the channel"; the systems reduces volume of television when the person picks up the telephone receiver...etc. – See col. 6, lines 24-40; col. 6, line 51 to col. 7, line 4; col. 14, lines 36-41; col. 13, lines 44-50; col. 15, lines 43-51).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imagawa et al. (EP 0919906 A2) in view of Harada et al. (US 5,721,583 A).

Regarding claims 6-7, Imagawa teaches that wherein said at least one condition comprises a voice signal, associated with a non-user (the person identified as a operator (see col. 3, lines 3-6; col. 5, lines 9-12; col. 6, lines 30-32; col. 15, lines 43-47). Imagawa does not teach that the voice signal associated with a non-user does/does not match a stored profile voice signal. However, Harada teaches comparing a voice pattern data with the stored voice

Art Unit: 2623

pattern data associated with a user to identify an authorized user or specific registered user to receive a requested service from a provider. See col. 16, lines 21-25; col. 26, lines 15-34; col. 26, lines 44-63; col. 28, lines 5-8 and FIG. 20. It is understood that the comparison feature includes that the voice signal associated with the user matches or does not match the stored voice signal. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Imagawa by comparing the voice signal associated with a user with the stored voice signal to identify an authorized user or specific registered user to receive a requested service from a provider as taught by Harada in order to increase effectiveness of access controlling to the system.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc-K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Friday.

Art Unit: 2623

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ngoc Vu/
NGOC K. VU
PRIMARY EXAMINER
Art Unit 2623

August 14, 2007